

## **II. REMARKS**

Claims 1-40 are pending. The Applicants' attorney has amended claim 1 to correct a typographical error, and has added new claims 39 and 40, which are respectively identical to claims 11 and 20 before the amendment made to these claims in the response to final office action filed on December 20, 2004. But this amendment and these new claims add no new matter to the patent application. In light of the following, all of the claims as amended are now in condition for allowance, and, therefore, the Applicants' attorney requests the Examiner to withdraw all of the outstanding rejections. But if after considering this response the Examiner does not allow all the claims, the Applicant's attorney requests that the Examiner contact him to schedule a teleconference to further the prosecution of the application.

### **Declaration to Swear Behind U.S. 2002/0110037 to Fukuyama et al.**

The enclosed Declaration shows that the inventors conceived of the claimed invention before November 02, 2001, which is the effective date of Fukuyama, and were diligent in reducing the claimed invention to practice from before November 02, 2001.

Therefore, in view of the enclosed Declaration, the Applicants' attorney requests that the Examiner withdraw all rejections that are based in full or in part on Fukuyama.

### **Conclusion**

In light of the foregoing, claims 2-14, 16-21, and 23-38 as previously pending, claim 1 as amended, and new claims 39-40 are in condition for full allowance, which is respectfully requested.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be

required to cover such fees you are hereby authorized to charge such payment to  
Deposit Account No. 08-2025.

DATED this 14<sup>th</sup> day of January, 2005.

Respectfully Submitted,

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